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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER
Chairman
WILLIAM A. MUNDELL
Commissioner
JEFF HATCH-MILLER
Commissioner
MIKE GLEASON
Commissioner
KRISTIN K. MAYES
Commissioner

Arizona Corporation Commission

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IN THE MATTER OF THE PETITION
OF AUTOTEL FOR ARBITRATION
OF AN INTERCONNECTION
AGREEMENT WITH QWEST
PURSUANT TO SECTION 252(b) OF
THE TELECOMMUNICATIONS ACT

Docket No. T-01051B-04-0152

**QWEST CORPORATION'S REPLY
TO AUTOTEL'S RESPONSE TO
QWEST'S MOTION TO DISMISS**

Qwest Corporation ("Qwest"), pursuant to the Procedural Order issued in this docket on April 6, 2004, hereby submits its Reply to Autotel's Response to Qwest's Motion to Dismiss filed on or about April 12, 2004.

Autotel filed its Petition for Arbitration on February 27, 2004. Because Qwest was not aware that Autotel was providing any Commercial Mobile Radio Service ("CMRS") in Arizona at that time, it checked the website of the Federal Communications Commission ("FCC") to determine whether Autotel was licensed to operate radio transmitters in Arizona. Qwest was unable to locate any licenses for CMRS in Arizona under the names of Autotel or Western Radio Services Co., an Oregon corporation the principal of which is Richard Oberdorfer, who is also the principal of Autotel. On this basis, Qwest filed its Motion to Dismiss or, in the Alternative, Response to Autotel's Petition for Arbitration on March 23, 2004.

The basis of Qwest's motion was that Autotel did not appear to be authorized by the FCC to provide CMRS in Arizona. Qwest also noted that Autotel was not authorized

1 by this Commission to provide wireline telecommunications service in Arizona, thereby
2 eliminating the possibility that Autotel was seeking interconnection to provide wireline
3 telecommunications services as a competitive local exchange carrier ("CLEC").
4 Therefore, Qwest saw no basis for expending its or the Commission's resources
5 arbitrating an interconnection agreement with Autotel when Autotel had no authority to
6 provide telecommunications services in Arizona.

7 Autotel responded to Qwest's motion on or about April 12, 2004, arguing in
8 essence that the motion should be denied because Autotel was not required to obtain
9 authorization from the Commission to provide CMRS in Arizona and that Qwest had a
10 duty to negotiate in good faith. This argument missed the point of Qwest's motion,
11 which was that Autotel did not appear to have authority from the FCC to provide CMRS
12 in Arizona or from the Commission to provide wireline telecommunications services in
13 Arizona. In addition, the issue of whether Qwest would negotiate in good faith, which
14 Qwest has always been willing to do, is not germane to a motion to dismiss a petition for
15 arbitration on the ground that Autotel did not appear to have authority from any source to
16 provide telecommunications services in Arizona.

17 Since Qwest filed its motion, Mr. Oberdorfer, at Qwest's request, has provided
18 information to Qwest that there are various licenses from the FCC to operate radio
19 transmitters in Arizona in his name. These licenses are not in the name of Autotel, and
20 Qwest does not know whether Mr. Oberdorfer or Autotel has commenced construction of
21 facilities or offering of services in Arizona pursuant to the licenses or whether Mr.
22 Oberdorfer plans to transfer these licenses to Autotel or otherwise provide authority for
23 Autotel to provide CMRS in Arizona pursuant to the licenses. Nonetheless, because Mr.
24 Oberdorfer is the principal of Autotel, it appears that at least some aspects of this problem
25 may be subject to correction. Therefore, Qwest suggests that its Motion to Dismiss be
26 held in abeyance and that the arbitration proceed, reserving to Qwest the right to renew

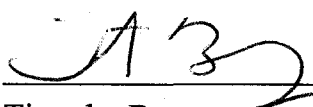
1 the motion if circumstances demonstrate that Autotel is not qualified to do business in
2 Arizona, does not have a license or licenses from the FCC to provide CMRS in portions
3 of Arizona in which Qwest is the incumbent local exchange carrier ("ILEC") or does not
4 appear to be proceeding to provide such services.

5
6 DATED this 28th day of April, 2004.

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12 -and-

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1 ORIGINAL +13 copies filed this 28th day of April, 2004:

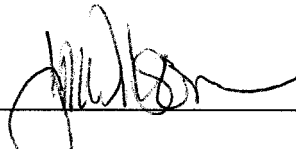
2 Docket Control
3 ARIZONA CORPORATION COMMISSION
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6 COPY delivered this 28th day of April, 2004:

7 Jane Rodda
8 Chief Administrative Law Judge
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12 COPY mailed this 28th day of April, 2004:

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19 TBERG/1539787.1/67817.000

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